

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
June 12, 2001**

Attendees

Task Group: Doug Amen, Ray Bransfield, Mary Chow, Paul Condon, Robert Cress, Tom Dailor, Jeri Ferguson, Ken Foster, Jennifer Foster, Art Gleason, Sherman Gooch, Mark Hagan, Deanna Haines, Jeanette Hayhurst, Sherl Hibbetts, Don Johnson, Manuel Joia, Joan Kahn, Dan Keingen, Peter Kiriakos, Paul Kober, Carol Landry, Sherry Lery, Laurie Lile, Lynne Low, Mindy McHenry, James McRea, Will Moring, Gail O'Neill, Lorelei Oviatt, Lisa Northrup, Nancy Perry, Alan Pickard, William Pollard, Tim Read, Darrell Readmond, Courtney Smith, Bobbi VanZant, Barbara Veale, Ed Waldheim, Marey Watten, Marcia Wertenberger.

West Mojave Team: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer.

Introductions

- Bill Haigh opened the meeting at 9:50 AM.
- Meeting Notes: Meeting notes for the April 4 and May 14, 2001 Task Group 1 meetings were provided for approval. Bill Haigh noted that we were unable to locate all the sign-in sheets for the April 4, 2001 meeting, therefore, not all attendees are shown in the minutes. He asked those who attended whose name does not appear to contact the West Mojave team. Larry LaPre pointed out an error in the May 14, 2001 minutes on page 4 under "Natural Area." The Compensation Ratio needs to be shown as 1:1, rather than 0.5:1. With those remarks and changes made, the meeting notes were approved.

Tortoise Survey Update

Ed LaRue provided background regarding the line distance sampling effort currently underway. Over 200 linear miles have been sampled in the effort to date. Biologists are looking for tortoises, not just tortoise sign. The sampling being conducted will form the baseline for future efforts. To date, 58 tortoises were counted in the Fremont/Kramer DWMA; 46 in the Superior/Cronese DWMA; and 24 in the Pinto DWMA. The Pinto DWMA was the only one of the four DWMAs where more live tortoises were found than carcasses. A sample size of at least 80 tortoises per DWMA is needed for the study to work, meaning additional linear miles will need to be surveyed in each of the DWMAs.

Law Enforcement

LaRue then directed the group to page 30 of the handout titled “Status of Management Prescriptions Identified by Planning Subcommittees,” for discussion of law enforcement issues.

- **C1a.**

LaRue clarified that the numbers shown are the number of law enforcement personnel recommended per DWMA. Barry Nelson, Chief Ranger for the Bureau of Land Management’s (BLM) Barstow Field Office, explained the difference between Law Enforcement Officers and Recreational Technicians (Rec Tech). Law Enforcement Officers have law enforcement powers to enforce federal law, while the Rec Techs do not. Rec Techs provide information and interpretation to the public, and their presence in the field helps to reduce violations. Currently, BLM employs ten Law Enforcement Officers and two Park Rangers at its Barstow field office. The Ridgecrest BLM staff includes seven Law Enforcement Officers and three student Park Rangers. The staffing levels shown in C1a would be in addition to existing staffing levels. The following points were made during discussion of this item:

- ▶ Assign staff based on size of DWMA rather than “per” DWMA. It was also pointed out that size is not the only factor determining need - intensity of use in the area may be a more accurate determinant of how many personnel are needed.
- ▶ A firm commitment is needed from the BLM that an increase in enforcement staffing levels for the DWMA’s will not result in decreased funding for existing law enforcement positions.
- ▶ Would like to ensure that rangers assigned to DWMA’s are not pulled off for duties elsewhere. Want to ensure that assigned rangers are for this program only.
- ▶ Would like to see rangers assigned out of offices as close to the area where they will be patrolling as possible. Feel there is too much “dead time” in driving if stationed only in Ridgecrest and Barstow. Would like to see them establish rapport with the community and become a part of the community. (Ranger at Jawbone Station cited as an example.)

The following language was agreed to: *C1a. A minimum of eight new Law Enforcement Rangers and eight new Recreational Technicians should be assigned by the BLM to the Tortoise DWMA’s. These new positions will be dedicated to work within the DWMA’s. They should be based in the communities closest to the DWMA’s in order to reduce travel time and facilitate relationships within those communities.*

- **C1a (second part).**

LaRue stated that this section was added to clarify that new positions would not be personnel diverted from other activities, but would indeed be additional staff positions. Points made during discussion of this item are as follows:

- ▶ Need to ensure that current management is being enhanced by additional positions.
- ▶ Need to clarify where funding for positions will come from.
- ▶ Will additional staffing for the California Department of Fish and Game (CDFG)

and the United States Fish and Wildlife Service (FWS) be needed as well?

- ▶ CDFG is consolidating lands north of Kramer Junction. With additional lands, an additional Game Warden may be appropriate.

Alan Pickard (CDFG) will get back to Bill Haigh with information on the necessary number of game wardens for the area.

- **E3a.**

It is recommended that the original proposal be dropped as the issue of speed travel is already covered by existing regulations. The following points were made:

- ▶ Some concern was expressed that noise and dust from vehicles use could affect wildlife and was not adequately addressed.
- ▶ Others indicated that the overall reduction of routes in the DWMA's would help in this regard.
- ▶ There are existing laws regarding noise levels that manufacturers must comply with.
- ▶ Barry Nelson, Chief Ranger, noted that language in existing regulations would allow a Ranger to cite someone for "creating a hazard or nuisance".

The group agreed to drop this proposal.

- ▶ **K5a.**

This section was approved as written, with one modification: *On public lands, motorized vehicle travel in washes shall be allowed only in those washes that are designated "open" and signed as appropriate.*

- **K6a.**

This section was approved as written.

- **K6a (second part).**

This section was approved as written.

- **K6a (new proposal).**

Since this proposal deals with DWMA boundary issues, it was agreed to delay discussion and include with future discussions on the DWMA boundaries.

- **K7a.**

Intent of this section is to encourage a focused look at identifying the most appropriate sign locations. The point was made that signage should be included to direct people from the open areas onto open routes in Class L areas. The language was revised and approved as follows: *Strategic signing is important to direct motorized vehicle users to proper areas to ride, such as open areas and designated vehicle routes, and to indicate conservation areas, as appropriate. A quick field check should determine if boundaries are adequately signed.*

- **K8a.**
This section was deleted as it was provided as information only.
- **N1a.**
This section was approved as written.
- **N4a.**
The section was revised by putting the last sentence first in order to place greater emphasis on the existing Biological Opinion for dual sport events. This section will read as follows: *BLM should continue to implement the existing Biological Opinion on dual sport events. Subject to the requirements of the Biological Opinion, dual sport events in ITAs are allowed year-round.*
- **N6a.**
Bill Haigh noted that “equestrian uses” will be added to the list of examples of minimum impact recreation as per discussion held by Task Group 1 on May 14, 2001.
- **N8a.**
LaRue noted that the committee proposed adding the words “in previously disturbed areas” to this section. The intent of the section is to restrict camping to areas where vegetation will not be disturbed. Barry Nelson recommended using an existing statute which limits activity in areas where natural features would be adversely affected. Bill Haigh will modify the language to indicate that the type of camping being referenced by this section is motor vehicle camping. Nelson agreed to provide Haigh with appropriate language based upon existing regulations. That wording follows: *On lands administered by the BLM in ITAs, motorized vehicle stopping, parking and camping must occur within 300 feet of vehicle routes designated as open in accordance with existing regulations, which state that “no one may operate an off-road vehicle on public lands in a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, and wildlife habitat, improvements, cultural or vegetative resources or other authorized uses of public lands.” Stopping, parking and camping must be accomplished in such a manner as to curtail uncontrolled widening of routes and to deter undue degradation of sensitive or fragile resources.*
- **N9a.**
Differing viewpoints were expressed during the discussion on this item. Barry Nelson, Chief Ranger - Barstow BLM, and several others feel strongly that existing regulations are sufficient, and that if shooting is prohibited within the DWMAs, the result may be over concentration of this use in other areas creating a possible safety hazard. It was noted that a higher presence of rangers within the DWMAs and a more aggressive education program will help prevent illegal shooting. Peter Kiriakos, Sierra Club, indicated that the environmental groups would prefer no shooting in the DWMAs. He also requested a biological analysis be presented regarding whether there has been a problem with the

ingestion of lead shot by wildlife in the West Mojave. LaRue suggested that Kiriakos present this question to Dr. Kristen Berry, USGS - CDD Office. Alan Pickard (CDFG) also indicated preference for Alternative 1. It was further pointed out that the NECO and NEMO plans address the issue of shooting in DWMA's. Ray Bransfield (FWS) indicated that the EIS for the plan should discuss local laws regulating shooting and present information regarding how much shooting occurs within the DWMA's.

Bill Haigh recommended that Alternative 1 from the Recreation Subcommittee and a new Alternative 2 be presented as alternatives within the EIS for the plan. The new Alternative 2, which would include language from the NEMO plan addressing this same issue, is as follows: *The shooting or discharge of firearms shall generally be permitted on public lands except in specified areas (e.g., OHV Open areas), as long as State and local laws permit such activity. These activities are regulated in order to minimize conflicts and resource impacts.*

The group concurred with Haigh's recommendation.

- **Q1a.**

Lorelei Oviatt pointed out that this measure had not been discussed, therefore consensus had not been reached. The group agreed to move this measure to the Grazing section of the report, and show it in bold as further discussion is needed.

- **R6a.**

The group agreed that the 1st paragraph is acceptable as written. The 2nd paragraph will remain in bold. Ed LaRue will contact Jeff Aardahl, Ridgecrest BLM, to see if the meeting referenced in this paragraph will be held.

The following additional general points were made during the discussion:

- ▶ A column should be added to the report that identifies the date revisions are made.
- ▶ After the group has the opportunity to review and finalize the DWMA boundaries, some of the measures may need to be revisited.

Lunch Break (11:30-12:50)

Compensation Subcommittee

Laurie Lile presented the written report from the Compensation Subcommittee. Alan Pickard (CDFG) was extremely complimentary concerning the work the committee had accomplished to date, and considered the committee's proposal to be a "major step forward," holding great potential. Several other members of the group concurred. Specific comments by task group members follow:

- **D2a and D2b.**

The following issues were raised during the discussion of this item:

- ▶ Alan Pickard (CDFG) asked why the endowment fees were not included. He is concerned that adequate funding be provided for the long-term management of lands. Lile responded that having a single fee was an important buy-in for the local agencies, and pointed out that developer fees make up a very small portion of the overall funding mix for the West Mojave Plan implementation. Local agencies want the fees to be simple and consistent so that all share equally. Bill Haigh pointed out that the majority of funding for implementation will come from the land management agencies and from special grants.
- ▶ How would an approved, but not yet developed project be treated? Lile responded that this issue still needs to be worked out, however, she also pointed out that there should only be a handful of affected projects.
- ▶ Concern was expressed about the use of the Consumer Price Index to evaluate the fees on an annual basis. The connection between the CPI and land values was questioned. Also questioned was the need to look at the fee and adjust it on an annual basis. A suggestion was made to evaluate the fee a minimum of every five years. The following language was suggested to replace the language referencing the CPI: “...; *the fee amount will be evaluated and adjusted at a minimum interval of every five years.*”
- ▶ How would mitigation banking work under this concept? Some concern was expressed that mitigation banking might result in the plan competing against itself when purchasing mitigation lands.
- ▶ It was suggested that committee members discuss the compensation approach with members of the development community.
- ▶ Alan Pickard indicated that some estimate will need to be made of the number of acres of take expected to occur over the 30 year life of the permit in order for the permit to be written. He would like to see tangible numbers in terms of take and off-setting mitigation.

The following were determined to be the outstanding issues that need further subcommittee consideration: 1) Should the plan allow for individuals to purchase identified habitat and provide as mitigation? 2) What method can be used to alleviate CDFG’s concern regarding the need to compare expected acres of take with expected mitigation for the purpose of writing the permit?

- **D3a.**

There was a difference of opinion amongst the group as to how “disturbed land” would be defined. Lorelei Oviatt stated that she understood that all the incorporated city areas and all areas within Specific Plans (in the case of Kern County) would be considered “disturbed” land. She felt this approach would reduce the subjectivity involved in determining disturbed and natural lands. Others understood the direction to be that disturbed areas would be mapped based on aerial photography without specific regard to

whether land was within a city boundary. Laurie Lile pointed out that large areas of cities may be habitat and would be difficult to justify as “disturbed.”

It was determined that the subcommittee needed to come back at the July Task Group 1 meeting with a solution to this issue. Ed LaRue and Alan Pickard need to be available to work with the subcommittee.

Upcoming Meeting Dates

The Task Group 1 meeting scheduled for July 16th was moved to Tuesday, July 17th from 9:30 AM to 4:00 PM.

An August Task Group 1 meeting was set for Monday, August 13th at 10:00 AM (note the later start time).

Utilities

The following points were raised during the discussion of this item:

- Need to explain within the plan that “contingent corridors” may have existing facilities constructed within them. Corridors and contingent corridors are up to three miles wide.
- The representative from LADWP indicated that the existing corridor system is acceptable, but LADWP would have concerns if corridors are reduced by the plan. He pointed out that the Fort Irwin expansion will affect Corridor D.
- The plan needs to differentiate between adding new lines to existing structures and constructing new towers. Both could be considered expansions, yet one has considerably more impact than the other.
- There is a need to focus on guidelines for citing facilities rather than specifics. The Task Group may be trying to be too detailed at this point. Most of the “big” questions will be run through the Implementation Team. Flexibility is needed in order to best benefit the resource.

I1a.

- The Task Group agreed to preface this measure with : *New linear utility projects within the Habitat Conservation Area will be reviewed by the Implementing Team at the time they are proposed. The following guidelines will be considered by the Implementing Team during its review:* With this preface, the proposed (bolded) text suggested by the Utilities Subcommittee for measures I1a, I2a, I3a, I4a and I5a was acceptable to the task group.

R2a and R3a.

- This section will be covered at a later meeting.

Fire Management

The subcommittee determined that current management and implementation of future adaptive management actions will provide for sufficient protection within the DWMA's. Pete Kiriakos asked that control of non-native grasses be considered in this section. Others suggest that this issue would be best addressed under noxious weeds in another section as the use of chemical treatment may be a better means of control. Tim Read indicated that it might be helpful to share the information that is provided to fire crews with the Task Group. Jeanette Hayhurst recommended that the issue be left open for further discussion in the event the group has any problem with the additional information.